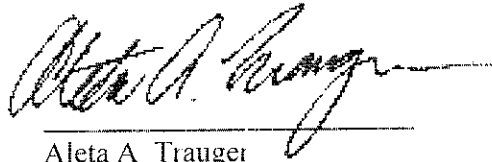


Chief among the plaintiff's demands for relief is that the court require the defendants "to reduce the crime of which [he] stands convicted to criminally negligent homicide and to adjust his sentence accordingly " (Docket Entry No. 1, ¶ 5, p. 16) The plaintiff's other requests for relief support this principal demand. (Docket Entry No. 1, ¶¶ 1-3, p. 16)

The law is well established that "habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement . . ." *Heck v. Humphrey*, 512 U.S. 477, 481 (1994)(citing *Preiser v. Rodriguez*, 411 U.S. 475, 488-90 (1973)). A civil action challenging the fact or duration of confinement must be dismissed whether a plaintiff seeks injunctive or monetary relief. *Heck*, 512 U.S. at 489-90 (claims for damages are not cognizable); *Preiser*, 411 U.S. at 488-90 (claims for injunctive relief cognizable only under 28 U.S.C. § 2254).

Because the plaintiff is challenging the constitutionality of his conviction and sentence, this action is cognizable only in federal *habeas corpus* under § 2254. Accordingly, the complaint will be dismissed for failure to state a claim on which relief may be granted.

It is so **ORDERED**


Aleta A. Trauger
United States District Judge